

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LILBERT GREGORY,

Plaintiff,

Case No. 21-cv-10408
Hon. Matthew F. Leitman

v.

HEIDI WASHINGTON, *et al.*,

Defendants.

**ORDER (1) ADOPTING RECOMMENDED DISPOSITION OF REPORT
AND RECOMMENDATION (ECF No. 65) AND (2) GRANTING
DEFENDANT ZAMORA’S MOTION FOR
SUMMARY JUDGMENT (ECF No. 49)**

In this action, *pro se* Plaintiff Lilbert Gregory alleges that the Defendants violated his federal and state constitutional rights. (*See* Compl., ECF No. 1.) Gregory’s claims arise out medical care that he received while he was in the custody of the Michigan Department of Corrections. (*See id.*)

On May 24, 2023, Defendant Mary Zamora moved for summary judgment. (*See* Mot., ECF No. 49.) The motion was referred to the assigned Magistrate Judge, and on February 9, 2024, the Magistrate Judge recommended that the Court grant the motion (the “R&R”). (*See* R&R, ECF No. 49.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his

recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.*, PageID.594-595.)

Gregory has not filed any objections to the R&R. Nor has he contacted the Court to ask for additional time to file objections. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). *See also Ivey v. Wilson*, 832 F.2d 950, (6th Cir. 1987) (explaining that where party fails to file “timely objections” to report and recommendation, court may accept that recommendation “without expressing any view on the merits of the magistrate’s conclusions”). Likewise, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Gregory has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge’s recommended disposition of Zamora’s motion is **ADOPTED**.

IT IS FURTHER ORDERED that Zamora’s motion for summary judgment (ECF No. 49) is **GRANTED**. The claims against Zamora are **DISMISSED**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: March 4, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 4, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

(313) 234-5126